

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDDY PHILIPPEAUX,

Plaintiff,

-against-

UNITED STATES OF AMERICA; DEPT. OF  
VETERANS AFFAIRS (VA); U.S. DEPT. OF  
DEFENSE (DOD); BOARD FOR  
CORRECTION OF NAVAL RECORDS; AIR  
FORCE BOARD FOR CORRECTION OF  
MILITARY RECORDS,

Defendants.

24-cv-8732 (MKV)

**ORDER**

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff, appearing *pro se*, brings this action asserting claims under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671–2680, the Administrative Procedure Act, 5 U.S.C. §§ 701–706, 10 U.S.C. § 1552, and the Tucker Act, 28 U.S.C. § 1491, based on the decision to deny Plaintiff certain military benefits. [ECF No. 35]. On April 4, 2025, the Court granted Plaintiff’s request for the Court to request *pro bono* counsel to represent Plaintiff in this action. [ECF No. 37]. Since then the Court has been informed that Shireen Barday, Esq., and Andrew Breland, Esq., of Pallas LLP, have volunteered to serve as *pro bono* counsel and represent Plaintiff in this matter. The Court has been further informed that counsel has attempted to contact Plaintiff on multiple occasion, but have not been able to connect with Plaintiff.

Ultimately, it is entirely Plaintiff’s decision whether to retain these volunteer attorneys as his counsel or not, but the Court highly encourages Plaintiff to contact the attorneys who have volunteered to serve as *pro bono* counsel at the contact information below:

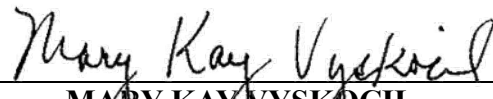
- [Shireen.Barday@pallasllp.com](mailto:Shireen.Barday@pallasllp.com), (212) 970-2302
- [Andrew.Breland@pallasllp.com](mailto:Andrew.Breland@pallasllp.com), (212) 970-2329

IT IS HEREBY ORDERED that **on or before June 28, 2025** Plaintiff shall file a letter advising the Court if he intends to continue appearing in this action *pro se* or if he will be represented by volunteer counsel.

**The Court reminds Plaintiff that whether he decides to proceed *pro se* or accepts the offer to be represented by pro bono counsel it his obligation to prosecute his case and that failure to comply with the Court's Orders or deadlines comply with the FRCP, the Local Rules for the SDNY or this Court's Individual Practice Rules, or the parties discovery or other obligations thereunder may result in sanctions, including monetary penalties on counsel and/or the parties, dismissal or preclusion of claims, defenses, arguments, or evidence.**

**SO ORDERED.**

Dated: May 28, 2025  
New York, New York

  
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MARY KAY VYSKOCIL  
United States District Judge